



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

October 29, 1999

Minutes of the October 13, 1999, meeting of the Commission on Governmental Ethics and Election Practices held in the MLRB Hearing Room, PUC Building, 242 State Street, Augusta, Maine.

Present: Chairman: Peter B. Webster; Members: Hon. Michael Carpenter, Hon. Virginia Constantine, Linda W. Cronkhite, and Hon. Harriet P. Henry; Director William C. Hain, III; Counsel Phyllis Gardiner; and Commission Assistant Diana True.

Chairman Webster called the meeting to order at 10:05 a.m.

In keeping with its practice of addressing agenda items of those personally present first, the Commission considered the published agenda items as follows:

Agenda Item #2A: Robert W. Spear Reporting Irregularities: This matter was tabled from the previous meeting to permit the staff to complete development of relevant information regarding questioned entries on Mr. Spear's July 1999 Semiannual campaign finance report. Mr. Hain summarized the factual background and the issues presented for the Commission's consideration. Based on the explanations of those questioned entries as provided in correspondence from Mr. Spear's assistant campaign treasurer and by Mr. Spear in a personal presentation to the Commission, Mr. Carpenter moved, Judge Henry seconded and the Commission voted unanimously to dismiss the matter of the \$310 excess contribution based on Mr. Spear's apparent lack of knowledge regarding the decreased contribution limitation effective January 1, 1999. Regarding whether Mr. Spear's report substantially conformed to the statutory reporting requirements, Mr. Carpenter moved, Ms. Constantine seconded, and the Commission voted 3-2 (Judge Henry and Ms. Cronkhite opposed) to find that substantial compliance had been achieved in the submission of Mr. Spear's reports.

Agenda Item #2B: Annette M. Hoglund Reporting Irregularities: Attorney L'Hommedieu appeared on behalf of Ms. Hoglund and supplemented his previous correspondence with an oral presentation for the Commission's benefit. The Commission considered Attorney L'Hommedieu's written explanations and oral presentation and, after discussion, determined that his explanation supported the conclusion that Ms. Hoglund had not knowingly accepted a contribution in excess of the amount provided by 21-A M.R.S.A. § 1015. Therefore, Mr. Carpenter moved, Judge Henry seconded, and the Commission voted unanimously to dismiss the matter and that no further action was warranted. The Commission further directed that Attorney L'Hommedieu cooperate with the Commission staff to address the appropriate manner for reflecting the liquidation of Ms. Hoglund's outstanding debts administratively and submitting the necessary filings to properly disclose that liquidation.

Agenda Item #3: Municipal Contribution Limitation Violations: Mr. Hain summarized the status of correspondence tabled from the previous month's meeting regarding reporting

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irregularities of five (5) candidates for the Portland City Council elections in Spring 1999. Reports submitted by Mr. David Costa, Mr. Philip J. Dawson, Mr. Charles Harlow, Mr. Jay Hibbard, and Mr. Ethan Strimling contained contributions that apparently exceeded the contribution limitations that became effective January 1, 1999. Chairman Webster announced that the reference to Robert E. Cleaves IV on Mr. Hibbard's report was to a partner in Mr. Webster's law firm and, as a result, Mr. Webster would abstain from participating in the discussion and vote on that matter. Mr. Costa appeared and made a brief presentation. Mr. John Brautigam, Director of Legal Advocacy for Maine Citizens for Clean Elections, informed the Commission that his organization had appreciated the impact of the change in contribution limits on municipal candidates when they had sought to inform legislative candidates of the decreased limits early in 1999. After brief discussion of the facts, reflection on the Commission's actions at the previous meeting, and consideration of the Commission's obligation to refer apparent violations to the Attorney General, Judge Henry moved, Mr. Carpenter seconded and the Commission voted unanimously, 4-0 (Chairman Webster abstaining), to find no apparent violation of law by any of the filers that warranted referral to the Attorney General. Mr. Hain was directed to communicate that determination to each filer with instructions to express the Commission's desire that candidates communicate directly with individual donors who made contributions exceeding \$250 regarding the possible repayment of the amount over that limitation and the Commission's expectation that, to the extent surplus campaign funds are available, any amounts in excess of the statutory limit will be repaid.

Agenda Item #6: Promote Jobs for Maine PAC Reporting Irregularities: Mr. Dana Connors appeared on behalf of Promote Jobs for Maine and supplemented separate correspondence to the Commission with his oral presentation explaining the facts and circumstances surrounding the reporting irregularities at issue, including the discovery and self-reporting of the previously omitted entry leading to the instant action. Thereafter, Judge Henry moved, Ms. Constantine seconded, and Members unanimously voted to dismiss the matter, deeming that substantial compliance had been achieved in the submission of Promote Jobs for Maine's reports.

Agenda Item #11B: Executive Session: At 11:50 a.m., Mr. Carpenter moved, Judge Henry seconded, and Members voted unanimously to go into executive session to receive information from Assistant Attorney General William Stokes regarding the status of pending lawsuits in which the Commission is named as defendant. At 1:20 p.m., by unanimous consent the Commission went out of executive session, following which Ms. Constantine moved, Judge Henry seconded, and the Commission voted unanimously to forgo the opportunity to appeal the Court's decision in *Volle v. Webster*, challenging the political action committee definition. The Commission directed Mr. Hain to prepare and publish a statement on the Commission's behalf clarifying the Commission's implementation of the affected statutory provisions in light of the court decision.

Agenda Item #8: Sen. Paul T. Davis, Sr., Request for MCEA Waiver: Senator Davis addressed the Commission supplementing his written request for a waiver from the seed money provisions of the Maine Clean Election Act. After considering the information provided by Senator Davis,

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Judge Henry moved, Ms. Cronkhite seconded and the Commission unanimously agreed to grant the waiver requested by Senator Davis, the terms and conditions of which are to be determined by Mr. Hain and communicated to Senator Davis. His compliance with those terms and conditions then would render him eligible to declare his intent to become a Maine Clean Election Act candidate should he decide to do so in the future.

Agenda Item #1: Ratification of Minutes: Ms. Constantine moved, Judge Henry seconded, and the Commission voted unanimously to approve the minutes of the September 8, 1999, meeting as submitted.

Agenda Item #4: COGEL Conference: Mr. Hain requested anyone interested in attending the annual COGEL Conference in Providence, RI, between December 5-8, 1999, to submit registration forms by the end of the week. The Commission discussed the schedule for the December meeting and unanimously agreed to schedule the December meeting on December 1, 1999, to avoid the conflict with the COGEL conference.

Agenda Item #5: Eugene McLaughlin Late Campaign Finance Reports (3): Mr. Hain reviewed the filing history, including the 21-day late July 1999 semiannual report, and unpaid penalties for late 42-day post-primary and post-general reports, following which Ms. Cronkhite moved, Ms. Constantine seconded, and the Commission voted unanimously to assess a penalty of \$333.90 for the late July 1999 report and to direct penalties totaling \$399.65 be demanded to include the previously assessed unpaid penalties of \$46.25 and \$19.50.

Agenda Item #7A: Charlotte Pease Request for Reconsideration: Mr. Hain reviewed the background of this matter, recommending that the Commission reconsider its previous action based on the most recent request from Ms. Pease. However, no motion for reconsideration was offered and no further action was taken.

Agenda Item #7B: David R. Clough Late Lobbyist Report: After brief summary of the background material by Mr. Hain, Judge Henry moved, Ms. Cronkhite seconded, and the Commission voted unanimously to assess a penalty of \$100 for the late filing of the July 1999 report.

Agenda Item #7C: Edward MacColl Late Lobbyist Report: Mr. Hain summarized the facts regarding the late filing of the July and August 1999 reports, following which Mr. Carpenter moved, Ms. Constantine seconded, and the Commission voted unanimously to assess a penalty of \$300 for the late filing of the July and August 1999 reports.

Agenda Item #9: Referrals to the Attorney General for Collection Action: Mr. Hain summarized the cases involving Ms. Gertrude E. Romine, Treasurer, Independent Party for Maine PAC; Mr. Cal Williams, Treasurer, Maine Taxpayer Action Network PAC; and Hon. John M. Michael, Treasurer, On Our Terms PAC. The cases involve either non-filed reports or unpaid penalties. Ms. Constantine moved, Judge Henry seconded, and the Commission voted unanimously to refer

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all three cases to the Attorney General for appropriate action consistent with the exercise of his prosecutorial discretion.

Agenda Item #10: Informational Items: Mr. Hain advised Members that no action was required on any of the documents included in this item. However, he informed Members that Mr. Hoffses was expected to attend the October meeting but apparently had to postpone his appearance until November. He expressed interest in addressing the Commission regarding the Commission's penalty assessment practices and procedures in light of the Cumberland County Republican Committee assessment as compared to the lack of action in the excess contribution acceptance cases.

On motion and unanimous vote, the Commission adjourned at 2:05 p.m.

Respectfully submitted,



William C. Hain, III  
Executive Director